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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Chul-Wook KIM et al.

Date: January 23, 2006

Serial No.: 10/789,723

Group Art Unit: 1645

Filed: February 27, 2004

Examiner: Stephen KAPUSHOC

For: CDNA CHIP FOR SCREENING SPECIFIC GENES AND
ANALYZING THEIR FUNCTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT
REMARKS/ARGUMENT

This Response is filed in reply to the Restriction Requirement mailed December 22, 2005.

Applicant elects claim 3 for prosecution in this application, with traverse.

Claims 3-9 are dependent on claim 1 and these claims implicate gene groups to be detected from the probe of claim 1 or 2. Applicant is accordingly hard pressed to understand the Examiner's statement that the claims describe inventions that are a slightly different type from the main claims. It is believed that these claims should be prosecuted together and such is requested herein.

In any event, applicant notes that claim 1 has been indicated to be generic and if claim 1 is allowed, so should all of the remaining claims, including the non-elected claims.

Reconsideration and withdrawal of the Restriction Requirement of record is earnestly solicited.

Applicant reserves the right to file a divisional application directed to the subject matter covered in the non-elected claims, if the election requirement is not withdrawn.

If this communication is filed after the statutory time period had elapsed and no separate Petition is enclosed, the Commissioner for Patents is petitioned, under 37 C.F.R.

§1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 23, 2006

Max Moskowitz

Name of applicant, assignee or
Registered Representative

Signature

January 23, 2006

Date of Signature

Respectfully submitted,

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